

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 03-47726

In re:

Estefania Diaz Geronimo,

Debtor.

**NOTICE OF HEARING AND
MOTION OBJECTING TO
CLAIMED EXEMPTIONS**

TO: The Debtor and other entities specified in Local Rule 9013-3.

1. Randall L. Seaver, the duly appointed Chapter 7 trustee herein ("Trustee") moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 9:30 a.m. on February 18, 2004, in Courtroom 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and delivered not later than February 11, 2004 which is seven days before the time set for the hearing or filed and served by mail not later than February 6, 2004 which is ten days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. This Chapter 7 case was commenced on October 31, 2003. The first meeting of creditors was originally scheduled for December 5, 2003. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. §522, Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rules 9013-1 and 9013-2.

6. Attached hereto as Exhibit A is a true and correct copy of Debtors' Schedule C. Movant objects to the Debtor's exemptions claimed in that schedule as follows, for the following reasons:

(a) Objection is made to the Debtor's claimed exemption of \$1 in value of real property legally described as follows:

Lot 1, Block 4, Holtz Valley 2nd Addition, Carver County, Minnesota.

Objection is made to assure that the \$1 claimed exemption entitles the Debtor only to \$1 of value in the property itself, and to assure that the real property interest, together with all value thereof in excess of \$1, remains property of the bankruptcy estate.

WHEREFORE, the Trustee requests that the Court as follows:

1. Holding that the Debtor's claimed exemption of \$1 in real property legally described as:

Lot 1, Block 4, Holtz Valley 2nd Addition, Carver County, Minnesota
entitles the Debtor only to \$1 of value in the property and to assure that the real property interest, together with all value thereof in excess of \$1, remains property of the bankruptcy estate.

FULLER, SEAVER & RAMETTE, P.A.

Dated: December 29, 2003

By: /e/ Randall L. Seaver
Randall L. Seaver 152882
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, the duly appointed Chapter 7 trustee of this Bankruptcy Estate, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on December 29, 2003

/s/ Randall L. Seaver

Randall L. Seaver

Case No. _____

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemptions to which debtor is entitled under:

(Check one box)

- ☒ 11 U.S.C. § 522(b)(1): Exemptions provided in 11 U.S.C. § 522(d). NOTE: These exemptions are available only in certain states.
- ☐ 11 U.S.C. § 522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTIONS
<u>SCHEDULE A - REAL PROPERTY</u>			
Lot 1, Block 4, Holtz Valley 2nd Addition Carver County, Minnesota Joint Tenancy with Jillane Anderson and 541 (d)	11 USC § 522(d)(5)	1.00	162,000.00
<u>SCHEDULE B - PERSONAL PROPERTY</u>			
Household goods and furnishings	11 USC § 522(d)(3)	150.00	150.00
Wearing apparel	11 USC § 522(d)(3)	150.00	150.00

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 03-47726

In re:

Estefania Diez Geronimo,

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I, Kari L. Fogarty, declare under penalty of perjury that on December 29, 2003, I mailed a copy of the Notice of Hearing and Motion Objecting to Claimed Exemption and proposed Order by first class mail, postage prepaid to each entity named below at the address stated below for each entity:

Estefania Diaz Geronimo
932 Stoughton Avenue
Chaska, MN 55318

Malin D. Greenberg
Attorney at Law
600 South Hwy. 169, Suite 1525
St. Louis Park, MN 55426

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

FULLER, SEAVER & RAMETTE, P.A.

Dated: December 29, 2003

By: /e/ Kari L. Fogarty
Kari L. Fogarty
Legal Secretary
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 03-47726

In re:

Estefania Diaz Geronimo,

ORDER

Debtor.

At Minneapolis, Minnesota this _____ day of _____, 2004.

The above matter came before the court on the objection of the Chapter 7 Trustee to exemptions. Appearances were as noted upon the record.

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

That the Trustee's objection is sustained and the Debtor's claimed exemption of \$1 in real property legally described as:

Lot 1, Block 4, Holtz Valley 2nd Addition, Carver County, Minnesota
entitles the Debtor only to \$1 of value in the property itself, and to the real property interest, together with all value thereof in excess of \$1, remains property of the bankruptcy estate.

BY THE COURT:

Nancy C. Dreher
U.S. Bankruptcy Judge